

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

STEVEN CRAIG MOODY,	§	
(TDCJ-CID #809008)	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION H-07-2938
	§	
SENIOR WARDEN T. SIMMONS, <i>et al.</i> ,	§	
	§	
Defendants.	§	

**MEMORANDUM AND OPINION**

Plaintiff, a state prisoner proceeding *pro se*, brings this action against Texas prison officials who reside in Polk County, Texas. Plaintiff sues these officials for violations of civil rights which occurred at the Polunsky Unit, where he is confined and which is located in Polk County, Texas.

In the interest of justice and for the convenience of the parties and witnesses, it is ordered that this case be transferred<sup>1</sup> to the United States District Court for the Eastern District of Texas, Lufkin Division. 28 U.S.C. § § 1391, 1404(a).

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<sup>1</sup>Under 28 U.S.C. § 1915(g), an inmate is not allowed to bring a civil action *in forma pauperis* in federal court if, on three or more prior occasions, while incarcerated, he brought an action or appeal which was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted, unless he is under imminent danger of serious physical injury at the time suit is filed. Before filing this action, he had at least three such lawsuits or appeals dismissed as frivolous. See *Moody v. Griffith*, Civil Action Number 1:96-0754 (E.D. Tex. 1996); *Moody v. Appleman*, Civil Action Number 1:00-0058 (E.D. Tex. 2001); *Moody v. Appleman*, Appeal No. 02-40158 (5th Cir. 2003). Plaintiff complains that he is under imminent danger of serious physical injury because of threats by gang members.

Plaintiff's motion to proceed *in forma pauperis*, (Docket Entry No. 2), motion for the appointment of counsel, (Docket Entry No. 3), and motion for temporary restraining order, (Docket Entry No. 4), are denied without prejudice to reconsideration after transfer.

SIGNED on October 4, 2007, at Houston, Texas.

A handwritten signature in black ink, appearing to read 'Lee H. Rosenthal', is written over a horizontal line.

Lee H. Rosenthal  
United States District Judge